

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

| TITLE OF CASE  |              | ATTORNEYS   |                     |       |       |
|--|--------------|---|---------------------|-------|-------|
| <p>The Aetna Casualty and Surety Company, a corporation,</p> <p>vs</p> <p>Clifford R. Hunt, Charles Hunt, Mary Hunt and Dale Watson, Independence Fire and Casualty Company and Michael L. Clinton,</p> <p>State Farm Mutual Automobile Insurance Company, Intervenor</p> <p>Wilford Lamar Teel and Wilford Lamar Teel, as father and next friend of Thomas A. Teel, and W. E. Maddux, Administrator of the Estate of Edith Marie Mills, deceased</p> <p style="text-align: right;">Intervenor</p> |              | <p>For plaintiff:</p> <p>Whitten and McDaniel<br/>642-NBT-Building 2626 E. 21st St.<br/>Tulsa, Okla. 74103 74114</p> <p>DEFENDANTS:</p> <p><i>Ed H. Hironimus</i><br/>Mr. Philip N. Landau (Ind. Fire &amp; Casu.<br/>2900 4th Nat'l Bank Bldg. <del>585-2571</del><br/>Tulsa, Oklahoma 582-1173</p> <p><del>For defendant:</del></p> <p>Frazier, Harris, Dyer, Pate &amp; Hopper<br/>1406 Terrace Drive<br/>Tulsa, Oklahoma 74104 (939-2445)<br/>(for defendant Watson)</p> <p>Stan P. Doyle (for the 3 Hunts)<br/><del>1600 Fourth Natl. Bank Bldg. 1843 E. 15</del><br/>Tulsa, Okla. <del>xxxxxx</del> 74104</p> <p>Best, Sharp, Thomas &amp; Glass<br/>Franklin Building 582-8877<br/>Tulsa, Okla 74103 - for State Farm<br/>Jefferson G. Greer (Teel &amp; Maddux)<br/>205 Pythian Bldg., Tulsa Lu 4-3591<br/>Thomas G. Marsh (Clinton) 587-0141<br/>1501 Fourth Natl. Bank Bldg., Tulsa</p> |                     |       |       |
| STATISTICAL RECORD   | COSTS        | DATE  | NAME OR RECEIPT NO. | REC.  | DISB. |
| J.S. 5 mailed 12-1-69<br>11-1-72   | Clerk        | 11-24-69  | Whitten             | 15 00 |       |
|  |              | 11-28-69  | C/D 23              |       | 15 00 |
|  |              | 9-16-71   | Gilder              | 5 00  |       |
| J.S. 6 mailed 5-1-71<br>1-1-72   | Marshal      | 9-23-71   | CD 14               |       | 5.00  |
|  |              | 1-3-72  | Greer               | 5 00  |       |
|  |              | 1-4-73  | C.D No.30           |       | 5 00  |
| Basis of Action: Declaratory judgment on liability insurance contract  | Docket fee   |   |                     |       |       |
|  | Witness fees |   |                     |       |       |
| Action arose at:   | Depositions  |   |                     |       |       |

| DATE     | PROCEEDINGS  | Date Order or Judgment Noted |
|----------|--|------------------------------|
| 11-24-69 | Complaint filed, summons issued. b   |                              |
| 12-2-69  | Return on service of summons, filed. Served Mary Hunt and Clifford R. Hunt and Charles Hunt at Claremore, Oklahoma on 11-28-69. Served Dale Watson at Claremore, Oklahoma, on 11-28-68 (\$22.20)           |                              |
| 12-15-69 | Defendant Watson's motion to dismiss, filed. ds  |                              |
| 12-15-69 | Brief in support of motion to dismiss, filed. ds   |                              |
| 12-17-69 | Answer of defendants Clifford R. Hunt, Charles Hunt and Mary Hunt, filed. m  |                              |
| 12-23-69 | Order overruling motion to dismiss of deft. Dale Watson, filed. (AEB-J)m (copies mailed)   |                              |
| 1-6-70   | Minute Order: Parties directed to hold pre-trial prior to 2-6-70, and file pre-trial order not later than 2-12-70. (AEB-J)g  |                              |
| 1-6-70   | Answer and counterclaim of deft. Dale Watson, filed. m   |                              |
| 1-8-70   | Motion For Summary Judgment, filed, by Clifford R. Hunt et al. js  |                              |
| 1-8-70   | Brief In Support of Summary Judgment Statement of Case, filed. js  |                              |
| 1-15-70  | Answer of plaintiff to counterclaim of defendant, Dale Watson, filed. b  |                              |
| 1-15-70  | Plaintiff's response to motion for summary judgment of Clifford R. Hunt, et al., filed. b  |                              |
| 1-15-70  | Plaintiff's brief in support of response to motion for summary judgment, of Clifford R. Hunt, et al., filed. b   |                              |
| 1-27-70  | Motion for continuance of deft. Dale Watson, filed. m  |                              |
| 1-27-70  | Brief in support of motion for continuance, filed. m   |                              |
| 1-27-70  | Case called for hearing on defendant's motion for summary judgment. Defendant's request for continuance is granted for the purpose of amending, and hearing on motion stricken pending discovery. (AEB-J)h |                              |
| 2-5-70   | Return on service of deposition subpoena filed. Served Linda Dudley at Tulsa Okla. on 2-4-70. (USM\$2.00)h   |                              |
| 2-5-70   | Return on service of deposition subpoena filed. Served Cinda Kerns at Tulsa, Okla. on 2-4-70. (USM\$11.84)h  |                              |
| 2-5-70   | Return on Service of deposition subpoena filed. Served Mike Clinton at Tulsa, Oklahoma on 2-5-70. (USM \$4.40)h  |                              |
| 2-10-70  | Motion to Intervene of State Farm Mutual Automobile Insurance Co. filed.   |                              |
| 2-10-70  | Brief in support of Motion to Intervene filed. h (letter mailed)   |                              |
| 2-10-70  | Opposing Party granted 10 days in which to file a responsive brief to motion to Intervene of State Farm Mutual Automobile Insurance Co. (AEB-J)h   |                              |
| 2-16-70  | Counsel granted until 3-14-70 to file pre-trial order. (AEB-J)g  |                              |
| 2-18-70  | Deposition of Dale Watson, taken before Ruth E. Potts, CSR at Tulsa, on 2-19-70, filed. b (Fee \$36.00 to be paid by pltf's.)  |                              |
| 2-24-70  | Order, that motion to intervene of State Farm Mutual Auto Ins. Co. is sustained, and to file necessary answers, pleadings and the like within ten days, filed. (AEB-J) ds                                  |                              |
| 2-26-70  | Depositions of Michael Leroy Clinton, Cinda Kay Kern and Linda Mae Dudley on behalf of deft. Dale Watson, filed. (Fee: \$94.00 pd by deft. Watson)m  |                              |
| 2-27-70  | Plaintiff's motion for summary judgment, filed. ds   |                              |
| 2-27-70  | Plaintiff's brief in support of motion for summary judgment, filed. ds   |                              |
| 3-9-70   | Answer of Intervener State Farm Mutual Automobile Insurance Co. filed. h   |                              |
| 3-9-70   | Response to pltf's motion for S/J, filed. m  |                              |
| 3-10-70  | Defendants, Hunts, application for extension of time to file brief, filed. ds  |                              |
| 3-10-70  | Order that defendants, Hunt, have until 3-19-70 to file responsive brief to plaintiff's motion for summary judgment, filed. (MME-Cl) ds  |                              |
| 3-13-70  | Motion to intervene of Wilford Lamar Teel, Wilford Lamar Teel, as father and next friend of Thomas A. Teel, and W. E. Maddux, Administrator of the Estate of Edith Marie Mills, deceased, filed. m         |                              |

(continued)

| DATE    | PROCEEDINGS   | Date Order or Judgment Noted |
|---------|---|------------------------------|
| 3-13-70 | Brief in support of motion to intervene, filed. m   |                              |
| 3-13-70 | Ordered that parties to file response to motion to intervene of Wilford Lamar Teel, Wilford Lamar Teel, as father and next friend of Thomas A. Teel, and W. E. Maddux, Administrator of the Est. of Edith Marie Mills, deceased, within 10 days. (AEB-J)m |                              |
| 3-19-70 | Response to plaintiff's motion for summary judgment against the defendant, Dale Watson, filed. ds   |                              |
| 3-19-70 | Response to motion to intervene of Teel and Maddux, filed. ds   |                              |
| 3-19-70 | Brief in support of response to plaintiff's motion for summary judgment, filed. ds  |                              |
| 3-20-70 | Response to motion to intervene of Administrators of the estate of Edith Marie Mills, filed. ds   |                              |
| 3-23-70 | Response of plaintiff to motion to intervene of Teel and Maddux, filed. ds  |                              |
| 3-26-70 | Order overruling motion for summary judgment filed by defendants Clifford R. Hunt, Charles Hunt and Mary Hunt, filed. (AEB-J) ds  |                              |
| 3-26-70 | Order overruling plaintiff's motion for summary judgment, filed. (AEB-J) ds   |                              |
| 3-26-70 | Order allowing intervention of Wilford Lamar Teel, individually and as father of Thomas A. Teel, and W. E. Maddux, Admr of estate of Edith Marie Mills, deceased, filed. (AEB-J) ds   |                              |
| 3-27-70 | Answer of Intervenor, Defendants, Wilford Lamar Teel, and as Father and next friend of Thomas A. Teel, and W. E. Maddux, Administrator of the Estate of Edith Marie Mills, Deceased, filed. ds  |                              |
| 6-4-60  | Parties to hold pre-trial prior to 7-7-70, and file pre-trial order not later than 7-12-70. (AEB-J)v  |                              |
| 6-15-70 | Motion of parties to add Michael L. Clinton and the Independence Fire and Casualty Company additional parties defendant, filed. b   |                              |
| 6-15-70 | Brief of parties in support of motion of parties to add additional parties defendant, filed. b  |                              |
| 6-16-70 | Order filed adding Independence Fire and Casualty Company and Michael L. Clinton, party defendants. (Allen E. Barrow-Judge) copies mailed to counsel. b   |                              |
| 6-22-70 | Amendment to complaint, filed. ds   |                              |
| 6-26-70 | Cross Claim against Deft., Michael L. Clinton and Indep. Fire & Casualty Co. filed. v   |                              |
| 6-26-70 | Answer of Intervenor, Deft's, Wilford Lamar Teel, Wilford Lamar Teel, as father and next friend for Thomas A. Teel, and W.E. Maddux, Adm of Estate of Edith Marie Mills, deceased to amend. to complaint. filed. v  |                              |
| 7-9-70  | It is ordered that parties are granted 45 days extension of time from July 12, 1970 in which file pre-trial order. (AEB-J)v   |                              |
| 7-24-70 | Answer of intervenor state Farm Mutual automobile insurance Company to the Amended Complaint., filed. v   |                              |
| 7-28-70 | Summons returned & filed: served Michael L. Clinton, SW of Oologah, Okla. on 7-27-70. (USM \$11.64)g  |                              |
| 8-10-70 | Deposition of <u>Mary Josephine Hunt</u> , taken by the deft - Fee \$15.00 filed. v   |                              |
| 8-10-70 | Deposition of <u>Charles Henry Hunt</u> , taken by the deft - Fee \$56.00 filed. v  |                              |
| 8-10-70 | Deposition of <u>Clifford Riley Hunt</u> , taken by the deft - Fee \$10.00 filed. v   |                              |
| 8-11-70 | Cross-Claim of Clifford R. Hunt against Deft. Dale Watson, filed. v   |                              |
| 8-18-70 | Summons issued of amendment to complaint to Independence Fire and Casualty Company. m   |                              |

| DATE     | PROCEEDINGS  | Date Order or Judgment Noted |
|----------|--|------------------------------|
| 8-18-70  | Answer of deft. Michael L. Clinton, filed. m   |                              |
| 8-18-70  | Answer to cross complaint of defts. Wilford Lamar Teel, Wilford Lamar Teel as father & next friend of Thomas A. Teel, W. E. Maddux, Adm. of the Est. of Edith Marie Mills, (of deft. Michael L. Clinton), filed. m   |                              |
| 8-21-70  | Parties to hold pre-trial prior to 9-21-70, and file pre-trial order no later than 9-28-70. (AEB-J)v   |                              |
| 8-24-70  | Alias summons issued of complaint & amendment to complaint to Independence Fire and Casualty Company.  |                              |
| 8-27-70  | Return on summons, filed. Served Independence Intervenor's Fire & Casualty Co. by serving Joe B. Hunt, Okla. State Ins. Commissioner, on 8-21-70, at Okla. City, Okla., but receipt returned to State Ins. Commissioner's office at their request because deft. ins. co. is a domestic company. m (Fees: \$4.72) |                              |
| 9-1-70   | Order, that case be pretried by all counsel on or before 10-9-70. (AEB-J)m (copies mailed)   |                              |
| 9-10-70  | Answer of defendant Dale Watson to cross-claim of Clifford R. Hunt against the defendant, Dale Watson, filed. b  |                              |
| 9-16-70  | Alias summons, returned & filed: served Independence Fire & Casualty Co., at Okla. City, Ok. on 9-1-70. (USM \$4.48)g  |                              |
| 9-21-70  | Answer of Deft. Independence Fire & Casualty Company to complaint & Amendment to complaint of the Pltf., Filed. v  |                              |
| 9-21-70  | Answer of Deft. Independence Fire & Casualty Company to the Cross Claim of Wilford Lamar Teel, Wilford Lamar Teel as father and next friend to Thomas A. Teel, and W. E. Maddux, Administrator of the Estate of Edith Marie Mills, deceased. filed. v  |                              |
| 11-12-70 | Deposition of Thomas Murrill, Jr. taken by the Intervening Defendants, Wilford Lamar Teel, et al, at Humboldt, Kansas, October 29, 1970, filed. Taken by H. J. Nicholson, CSR. Cost, \$71.30. ds   |                              |
| 12-2-70  | Pre-Trial Order of Plaintiff, filed. (AEB-J)v <i>(Copies Mailed to Attys)</i>  |                              |
| 2-5-71   | Case set for non-jury trial at 10:00 a.m. 3-16-71. (AEB-J)m  |                              |
| 3-5-71   | List of Witnesses for Intervening Defendants, Wilford Lamar Teel, Wilford Lamar Teel, as father and next friend of Thomas A. Teel, and Ruth Edna Maritt, Administratrix of the Estate of Edith Marie Mills, deceased, filed. r   |                              |
| 3-5-71   | Trial Brief of Defendants, Wilford Lamar Teel, Wilford Lamar Teel, as father and next friend of Thomas A. Teel, and Ruth Edna Maritt, administratrix of the Estate of Edith Marie Mills, Deceased. Filed. r  |                              |
| 3-8-71   | Brief of the deft, Independence Fire and Casualty Company, filed. m  |                              |
| 3-9-71   | Plaintiff's Trial Brief, filed. r  |                              |
| 3-16-71  | Case called for trial, parties present and rep., case passed to Weds. 3-17-71 at 10:00 A.M. (AEB-J)h   |                              |
| 3-17-71  | List of Witnesses for Intervening Def. Mike Clinton, a/k/a Michael L. Clinton filed  |                              |
| 3-17-71  | Case called for non jury trial. Parties present. At request of defendants, guardians appointed to minor defendants, as per order filed by attorney Thomas G. Marsh, and case passed for trial to Thurs. 3-18-71. (AEB-J)h  |                              |
| 3-18-71  | Case tried to court. Plaintiff moves for directed verdict. Deft. Teel's counsel allowed to amend Pre-trial order by interlineation. Court takes case under advisement and case will be set for oral arguments at later date. (AEB-J)h  |                              |
| 3-18-71  | Exhibits filed. h  |                              |
| 3-23-71  | Amendment to answer of deft. State Farm Mutual Automobile Insurance Company, filed. m  |                              |
| 4-2-71   | Findings of Fact, Conclusions of Law and Judgment, filed and entered, Judgment entered in favor of Aetna Casualty and Surety Company, the State Farm Mutual Automobile Insurance Company, and the Independence   |                              |

| DATE     | PROCEEDINGS   | Date Order or Judgment Noted |
|----------|---|------------------------------|
| 4-5-71   | Fire and Casualty Company decreeing they have no coverage and not obligated to defend or indemnify as to any claims arising out of the accident of September 14, 1969. (Allen E. Barrow-Judge) b<br>Copies of the above mailed to all attorneys. b  |                              |
| 4-8-71   | Separate Motion of the Defendants, Wilford Lamar Teel, Winford Lamar Teel, as father and next friend of Thomas A. Teel, Ruth Adna Maritt and W. E. Maddux, administrators of the Estate of Edith Marie Mills, Deceased to Amend findings of Fact and Conclusions of law and judgment or in the alternative for new trial/with attached Memorandum Brief in support of Motion for new trial and Motion to Amend Findings of Fact and Conclusions of Law, filed by the Deft. Filed. r<br>4-8-71 Defendant's Affidavit, filed. r |                              |
| 8-18-71  | Order overruling separate motion of the defendants, Wilford Lamar Teel, Wilford Lamar Teel, as father and next friend of Thomas A. Teel, Ruth Edna Maritt and W. E. Maddux, administrators of the estate of Edith Marie Mills, deceased, to amend findings of fact and conclusions of law and judgment, or in the alternative for new trial, filed. ds <i>Copies mailed attorneys</i>   |                              |
| 9-16-71  | Notice of appeal by Wilford Lamar Teel, Wilford Lamar Teel, as father and next friend of Thomas A. Teel, Ruth Edna Maritt and W. E. Maddux, Admr. from order of 8-18-71, filed. cpy to USCA and Whitten & McDaniel, Rhodes, Hieronymus, et al., Phil Frazier, Stan P. Doyle, Best, Sharp, et al., & Thomas G. Marsh.  |                              |
| 9-17-71  | Bond for costs on appeal, filed. (\$250.00 cash)g   |                              |
| 9-20-71  | Reporter's transcript of non-jury trial on 3-18-71, filed. (Orig. & file cpy)(EEM-CSR)  |                              |
| 9-22-71  | Designation of appeal record, filed. g  |                              |
| 10-13-71 | Motion for extension of time <sup>30</sup> days to file the record on appeal filed by Wilford Lamar Teel, defendants, filed. h  |                              |
| 10-15-71 | Order extending time to docket appeal to 30 days from 10-26-71 (11-25-71), filed.(AEB-J)g cpy to USCA and counsel. g  |                              |
| 11-10-71 | Appeal record (8 vols.) sent to USCA, Denver. g   |                              |
| 10-6-72  | Mandate & Opinion of USCA, reversing judgment of 4-2-71 and remanding cause for further proceedings consistent with the opinion, filed and spread of record. Judgment to be vacated and case considered anew. g   |                              |
| 10-6-72  | Appeal record (8 vols.) received from USCA. g   |                              |
| 10-19-72 | It is ordered that this case is set for hearing as provided by the 10th Circuit Decision on Thursday, Nov. 2, 1972 at 10:00 A.M.(AEB-J)h  | NOTICES MAILED. 10-26-72     |
| 11-2-72  | Case called for Hearing as Provided by Decision of Tenth Circuit. Parties present and rep. Judgment previously entered is now vacated by the Court and the case is reopened for oral arguments and to allow new evidence. Court finds that the Findings of Fact and Conclusions of Law, previously rendered, are still correct. Parties state there is no new evidence to be submitted, and continue with their oral arguments. Court will rule summarily, and advise parties of Court's Decision. (AEB-J)v                   |                              |
| 12-27-72 | Findings of fact, conclusions of law and judgment, filed and entered, that judgment is entered in favor of Aetna Casualty & Surety Co., the State Farm Mutual Automobile Ins. Co. & the Independence Fire & Casualty Co. decreeing they have no coverage & are not obligated to indemnify, but that Aetna is obligated to defend their insureds as to any claims arising out of the accident of 9-14-69. (AEB-J)hm(copies mailed)   |                              |

| DATE     | PROCEEDINGS   | Date Order or<br>Judgment Noted |
|----------|---|---------------------------------|
| 1-3-73   | Notice of appeal by Wilford Lamar Teel, et al., intervening defendants, filed. (cpy to USCA and all counsel.)g  |                                 |
| 1-3-73   | Bond on appeal (\$250 cash), filed. g   |                                 |
| 1-9-73   | Stipulation that the transcript of the proceedings held on Nov. 2, 1972, may be deleted from the record on appeal, filed. v   |                                 |
| 1-9-73   | Designation of Record, filed by intervening depts., Wilford Lamar Teel, Wilford Lamar Teel, as father & etc. of Thomas A. Teel, and Ruth Edna Marritt, adminis. of the estate of Edith Marie Mills. v |                                 |
| 1-22-73  | Appeal record (in 8 volumes) to U.S.C.A. rm   |                                 |
| 11-28-73 | Mandate & Opinion of USCA affirming judgment of 12-27-72, filed and spread of record. g <i>to Ach</i>   |                                 |
| 12-13-73 | Appeal record (Vols. 1 thru 8) rec'd from USCA. g   |                                 |
| 12-17-73 | Application of depts. for Order of Disbursement, filed. jj<br>Orig. Appl & O to Judge   |                                 |
| 12-18-73 | Order, filed, that \$250. cash appeal bond be disbursed to depts. by the Clerk of this court.(AEB-J)jj copies mailed  |                                 |